

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ELHAN ADO MUSKIC,**

**Plaintiff,**

**v.**

**GREGORY SCOTT FULLER AND  
DOWDY TRANSPORT, LLC**

**Defendants.**

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**CIVIL ACTION NO. \_\_\_\_\_**

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**NOTICE OF REMOVAL**

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TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to 28 U.S.C. §1446(a) and 28 U.S.C. § 1332(a), Defendant, Dowdy Transport, LLC, submits this Notice of Removal and shows the Court as follows:

**I.  
INTRODUCTION**

1.1 Plaintiff is Elhan Ado Muskic (hereinafter “Plaintiff”); Defendant is Dowdy Transport, LLC (hereinafter “Defendant”).

1.2 On or about November 28, 2016, Plaintiff filed suit against Defendants, styled Cause No. DC-16-15155; *Elhan Ado Muskic v. Gregory Scott Fuller and Dowdy Transport, LLC*, pending in the 134th District Court, Dallas County, Texas, in which he seeks personal injury damages arising out of an alleged motor vehicle accident that occurred on October 16, 2015 in Carrollton, Dallas County, Texas. Defendant Dowdy Transport, LLC was served on December 28, 2016. Defendant Dowdy Transport, LLC filed its Original Answer on January 23, 2017 in which it generally denied each and every allegation contained in Plaintiff’s Original Petition.

1.3 This removal is timely filed. Defendant Dowdy Transport, LLC was served by serving its agent, Anthony Dowdy, on December 28, 2016 and received notice of this suit on December 28, 2016. Defendant files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b), and within one year of commencement of the action.

## **II.**

### **BASIS FOR REMOVAL**

2.1 Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiff is a citizen of the State of Kentucky. Defendant Dowdy Transport, LLC is a Tennessee corporation, with its principal place of business in Tennessee. Gregory Scott Fuller is a citizen of the State of Tennessee. Additionally, the amount in controversy exceeds \$75,000.00, excluding interest and costs. 28 U.S.C. §1332(a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006). Based upon the claims asserted by Plaintiff in his First Amended Petition, Plaintiff seeks monetary relief of over \$100,000 but not more than \$200,000. This amount in controversy exceeds \$75,000.00, excluding interest, costs, and attorney fees.

2.2 All pleadings, process, orders, and other filings in the state court action are attached to this notice as Exhibit “1” for all purposes herein as required by 28 U.S.C. §1446(a).

2.3 Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the action has been pending is located in this district.

2.4 Defendant Dowdy Transport, LLC will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

## **III.**

### **JURY DEMAND**

3.1 Defendant Dowdy Transport, LLC demanded a jury in the state court action.

WHEREFORE, as there is complete diversity between the parties and an amount in controversy exceeding \$75,000.00, Defendant Dowdy Transport, LLC respectfully requests the Court to remove the suit to the United States District Court for the Northern District of Texas, Fort Worth Division.

Respectfully submitted this 27<sup>th</sup> day of January, 2017.

NAMAN, HOWELL, SMITH & LEE, PLLC

BY:  RAYMOND C. PALMER, JR.

State Bar No. 15432620

[rpalmer@namanhowell.com](mailto:rpalmer@namanhowell.com)

L. HAYES FULLER, III

State Bar No. 07522500

[fuller@namanhowell.com](mailto:fuller@namanhowell.com)

Fort Worth Club Building

306 West 7th Street, Suite 405

Fort Worth, Texas 76102

Telephone: (817) 509-2025

Facsimile: (817) 509-2060

ATTORNEY FOR DEFENDANT

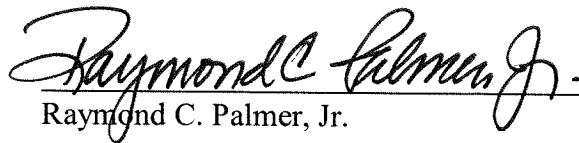
DOWDY TRANSPORT, LLC

**CERTIFICATE OF SERVICE**

This certifies that on January 27, 2017, a true and correct copy of the foregoing was served as follows:

***Via CMRRR 7014 2120 0002 6759 0732***

Gregory B. Fell  
The Fell Law Firm  
3021 E. Renner Road, Suite 140  
Richardson, TX 75082

  
Raymond C. Palmer, Jr.

## Exhibit “1”

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ELHAN ADO MUSKIC,**

**Plaintiff,**

**v.**

**GREGORY SCOTT FULLER AND  
DOWDY TRANSPORT, LLC**

**Defendants.**

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**CIVIL ACTION NO. \_\_\_\_\_**

**APPENDIX/INDEX OF STATE COURT PLEADINGS**

**NOTICE OF REMOVAL**

A.	Certified Copy of the State Court Docket	
B.	Plaintiff's Original Petition	11/28/16
C.	Civil Case Information Sheet	11/28/16
D.	Citation for Dowdy Transport, LLC	11/28/16
E.	Affidavit of Service on Dowdy Transport, LLC	01/20/17
F.	Plaintiff's First Amended Petition	01/20/17
G.	Original Answer of Dowdy Transport	01/23/17

**DOCKET SHEET**

**CASE NO. DC-16-15155**

**ELHAN ADO MUSKIC**  
vs.  
**GREGORY SCOTT FULLER, et al**

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Location: **134th District Court**  
Judicial Officer: **TILLERY, DALE**  
Filed on: **11/28/2016**

**CASE INFORMATION**



Case Type: **MOTOR VEHICLE  
ACCIDENT**

**PARTY INFORMATION**

<b>PLAINTIFF</b>	<b>MUSKIC, ELHAN ADO</b>	<i>Lead Attorneys</i> <b>FELL, GREGORY B</b> <i>Retained</i> 972-488-8177(W)
<b>DEFENDANT</b>	<b>DOWDY TRANSPORT, LLC</b> <i>BY SERVING REGISTERED AGENT ANTHONY SCOTT DOWDY</i> <i>110 CARRIAGE WAY</i> <i>HENDERSONVILLE, TN 37075</i>	<b>PALMER, RAYMOND C</b> <i>Retained</i> 817-509-2025(W)
	<b>FULLER, GREGORY SCOTT</b> <i>5024 CONQUER DRIVE</i> <i>MURFREESBORO, TN 37128</i>	

DATE	EVENTS & ORDERS OF THE COURT	INDEX
11/28/2016	NEW CASE FILED (OCA) - CIVIL	
11/28/2016	 ORIGINAL PETITION	
11/28/2016	 CASE FILING COVER SHEET	
11/28/2016	 ISSUE CITATION	
11/29/2016	<b>CITATION</b> FULLER, GREGORY SCOTT Unserved  DOWDY TRANSPORT, LLC Served: 12/28/2016 MAIL ATTY	
12/01/2016	 NOTICE OF DISMISSAL FOR WANT OF PROSECUTION	
01/20/2017	 RETURN OF SERVICE CIT EXEC 12/28/16 TO DOWDY TRANSPORT LLC TENNESSEE	
01/20/2017	 AMENDED PETITION FIRST AMENDED PETITION	
01/20/2017	 REQUEST FOR SERVICE	
01/20/2017	 ISSUE CITATION COMM OF INS OR SOS PUT IN BOX 1/23/17*CDM/NEED SASE*CDM	
01/23/2017	 ORIGINAL ANSWER - GENERAL DENIAL Party: DEFENDANT DOWDY TRANSPORT, LLC	

**CASE NO. DC-16-15155**

01/24/2017	<b>CITATION SOS/COI/COH/HAG</b> FULLER, GREGORY SCOTT Unservd MAIL ATTY	
01/26/2017	 JURY DEMAND	
01/30/2017	 <b>DISMISSAL FOR WANT OF PROSECUTION</b> (10:00 AM) (Judicial Officer: TILLERY, DALE)	

DATE	FINANCIAL INFORMATION		
	<b>DEFENDANT DOWDY TRANSPORT, LLC</b>		
	Total Charges		40.00
	Total Payments and Credits		40.00
	<b>Balance Due as of 1/27/2017</b>		<b>0.00</b>
01/27/2017	Charge	DEFENDANT DOWDY TRANSPORT, LLC	40.00
01/27/2017	CREDIT CARD - Receipt # 5346-2017-DCLK TEXFILE (DC)	DEFENDANT DOWDY TRANSPORT, LLC	(40.00)
	<b>PLAINTIFF MUSKIC, ELHAN ADO</b>		
	Total Charges		336.61
	Total Payments and Credits		336.61
	<b>Balance Due as of 1/27/2017</b>		<b>0.00</b>
11/28/2016	Charge	PLAINTIFF MUSKIC, ELHAN ADO	314.61
11/28/2016	CREDIT CARD - Receipt # 74306-2016-DCLK TEXFILE (DC)	PLAINTIFF MUSKIC, ELHAN ADO	(314.61)
01/23/2017	Charge	PLAINTIFF MUSKIC, ELHAN ADO	22.00
01/23/2017	CREDIT CARD - Receipt # 4153-2017-DCLK TEXFILE (DC)	PLAINTIFF MUSKIC, ELHAN ADO	(22.00)



STATE OF TEXAS }  
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office  
In Dallas, Texas, this 27 day of January, A.D., 2017.

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By [Signature] Deputy

DC-16-15155

Marissa Pittman

CAUSE NUMBER \_\_\_\_\_

**ELHAN ADO MUSKIC,**  
**Plaintiff**

**v.**

**GREGORY SCOTT FULLER and**  
**DOWDY TRANSPORT, LLC,**  
**Defendants**

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**IN THE \_\_\_\_\_**

**JUDICIAL DISTRICT COURT**

**DALLAS COUNTY, TEXAS**

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Elhan Ado Muskic ("Plaintiff") complaining of Gregory Scott Fuller ("Fuller") and Dowdy Transport, LLC ("Dowdy") (both collectively "Defendants") and for cause of action would show unto the Court the following:

**I. DISCOVERY CONTROL PLAN AND TRCP 47 STATEMENT**

This case concerns personal injuries suffered in a motor vehicle accident. Plaintiff states that discovery is intended to be conducted under Level 2. Plaintiff seeks monetary relief of over \$100,000 but not more than \$200,000.

**II. THE PARTIES**

Plaintiff is an individual.

Defendant, **Gregory Scott Fuller**, is an individual who may be served with process at his residence located at **5024 Conquer Drive, Murfreesboro, Tennessee 37128**.

Defendant, **Dowdy Transport, LLC**, is a Tennessee limited liability company which may be served with process via its registered agent, **Anthony Scott Dowdy, 110 Carriage Way, Hendersonville, Tennessee 37075**.

Pursuant to §30.014 of the Texas Civil Practice and Remedies Code, Plaintiff provides the following information:

Elhan Muskic

342 Last three digits of Kentucky Driver's License

248 Last three digits of Social Security Number

Gregory Fuller

997 Last three digits of Tennessee Driver's License

### **III. JURISDICTION AND VENUE**

This court has jurisdiction and venue is proper in Dallas County, Texas because the accident made the basis of this lawsuit occurred in Dallas County, Texas, and Plaintiff's damages are within the jurisdictional limits of this Court.

### **IV. FACTUAL BACKGROUND**

On or about October 16, 2015, Plaintiff, a professional truck driver, had parked his 18-wheel tractor trailer in the parking lot located at 2080 McDaniel Drive in Carrollton, Texas. Plaintiff was under the front of his truck inspecting a leak when Defendant Fuller, operating an 18-wheel tractor trailer owned by Defendant Dowdy on a perpendicular course in the same parking lot, failed to keep proper lookout and ran over Plaintiff's right arm. Plaintiff suffered severe injuries and had to be rushed to Parkland Hospital by City of Carrollton EMS. As a direct and proximate result of Defendants' negligence, Plaintiff sustained the damages complained herein.

## **V. CAUSE OF ACTION - NEGLIGENCE**

Plaintiff would show that at the time and on the occasion complained of Defendant Fuller was negligent and which negligence proximately caused him damages in some or all, but not necessarily limited to, the following particulars:

1. In failing to keep such proper lookout as a person of ordinary prudence would have kept under the same or similar circumstances;
2. In failing to make a timely application of his brakes under the conditions and circumstances then and there existing;
3. In failing to make a proper application of his brakes under the conditions and circumstances then and there existing; and
4. In failing to control the speed at which he operated his vehicle.

Each of these acts and omissions, singularly or in combination with others, constituted negligence which proximately caused the occurrence made the basis of Plaintiff's action and Plaintiff's damages.

## **VI. VICARIOUS LIABILITY**

At the time of the accident, Defendant Fuller was operating the vehicle within the course and scope of his employment with Defendant Dowdy, which is, therefore, vicariously liable for Defendant Fuller's acts and omissions pursuant to the doctrine of respondeat superior.

## VII. DAMAGES

Plaintiff would show that as a direct and proximate result of the negligence of Defendants, he has suffered the following damages, for which he should be compensated in a sum that is within the jurisdictional limits of this Court:

1. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and customary for such services in the county in which they were rendered;
2. Reasonable medical care and expenses that in reasonable medical probability will be needed and incurred by Plaintiff in the future;
3. Physical pain and suffering in the past;
4. Physical pain and suffering in the future;
5. Mental anguish in the past;
6. Mental anguish in the future;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Lost wages/income in the past;
10. Lost wages/income in the future;
11. Loss of earning capacity.

### VIII. PRAYER

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff respectfully prays that Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court, pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law, post-judgment interest at the legal rate, costs of court; and such other and further relief to which Plaintiff may be entitled at law or in equity.

Respectfully Submitted,

/s/ Gregory B. Fell

Gregory B. Fell

TBN: 00790670

gfell@fellofflawfirm.com

The Fell Law Firm

3021 E. Renner Rd., Suite 140

Richardson, Texas 75082

(972) 488-8177 – phone

(972) 664-0470 – fax

ATTORNEY FOR PLAINTIFF

## CIVIL CASE INFORMATION SHEET

FILED  
DALLAS COUNTY  
11/28/2016 9:16:00 AM  
FELICIA PITRE  
DISTRICT CLERK

CAUSE NUMBER (FOR CLERK USE ONLY):

DC-16-15155

COURT (FOR CLERK USE ONLY):

Marissa Pittman

STYLED Elhan Ado Muskic v. Gregory Scott Fuller & Dowdy Transport, LLC

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name: <u>Gregory B. Fell</u> Email: <u>gfell@felllawfirm.com</u> Address: <u>3021 E. Renner, Suite 140</u> City/State/Zip: <u>Richardson, TX 75082</u> Signature: <u>/s/ Gregory B. Fell</u>		Plaintiff(s)/Petitioner(s): <u>Elhan Ado Muskic</u> Defendant(s)/Respondent(s): <u>Gregory Scott Fuller and Dowdy Transport, LLC</u>		<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
Telephone: <u>972-488-8177</u> Fax: <u>972-664-0470</u> State Bar No: <u>00790670</u>		[Attach additional page as necessary to list all parties]			
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input checked="" type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To:

**DOWDY TRANSPORT, LLC  
SERVED BY REGISTERED AGENT ANTHONY SCOTT DOWDY  
110 CARRIAGE WAY  
HENDERSONVILLE, TENNESSEE 37075**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **ORIGINAL** petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **ELHAN ADO MUSKIC**

Filed in said Court **28th day of November, 2016** against

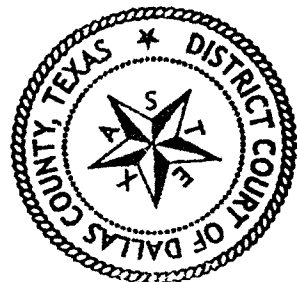
**GREGORY SCOTT FULLER AND DOWDY TRANSPORT, LLC**

For Suit, said suit being numbered **DC-16-15155**, the nature of which demand is as follows:  
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 29th day of November, 2016.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Latonya Beasley*, Deputy  
LATONYA BEASLEY



**MAIL ATTY**

**CITATION**

**DC-16-15155**

**ELHAN ADO MUSKIC**

**vs.**

**GREGORY SCOTT FULLER, et al**

**ISSUED THIS**

**29th day of November, 2016**

**FELICIA PITRE**

**Clerk District Courts,  
Dallas County, Texas**

**By: LATONYA BEASLEY, Deputy**

**Attorney for Plaintiff**

**GREGORY B FELL**

**3021 EAST RENNER ROAD**

**SUITE 140**

**RICHARDSON TX 75082**

**972-488-8177**

**DALLAS COUNTY CONSTABLE**

**FEES  
PAID**

**FEES NOT  
PAID**



## OFFICER'S RETURN

Case No. : DC-16-15155

Court No.134th District Court

Style: ELHAN ADO MUSKIC

vs.

GREGORY SCOTT FULLER, et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. Executed at \_\_\_\_\_,  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, by delivering to the within named

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

## AFFIDAVIT OF SERVICE

<b>Case:</b> DC-16-15155	<b>Court:</b> JUDICIAL DISTRICT	<b>County:</b> DALLAS, TX	<b>Job:</b> 1163967
<b>Plaintiff / Petitioner:</b> ELHAN ADO MUSKIC		<b>Defendant / Respondent:</b> GREGORY SCOTT FULLER	
<b>Received by:</b> JUSTIN CASE PROCESS SERVICE		<b>For:</b> SPECIAL DELIVERY	
<b>To be served upon:</b> DOWDY TRANSPORT, LLC			

I, TIM CUMMINS, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** DOWDY TRANSPORT, LLC, 188 CENTERPOINTE RD SUITE A HENDERSONVILLE, TN 37075

**Manner of Service:** Authorized, Dec 28, 2016, 4:31 pm CST

**Documents:** DOWDY TRANSPORT.pdf (Received Dec 23, 2016 at 12:00pm CST)

**Additional Comments:**

1) Unsuccessful Attempt: Dec 27, 2016, 6:20 pm CST at 110 CARRIAGE WAY, HENDERSONVILLE, TN 37075  
Left Notice, No one was home.

2) Successful Attempt: Dec 28, 2016, 4:31 pm CST at 110 CARRIAGE WAY, HENDERSONVILLE, TN 37075 received by DOWDY TRANSPORT, LLC.  
Age: 35; Ethnicity: Caucasian; Gender: Male; Weight: 200; Height: 6'2"; Hair: Brown;  
HAND DELIVERED TO ANTHONY DOWDY

TIM CUMMINS

Date

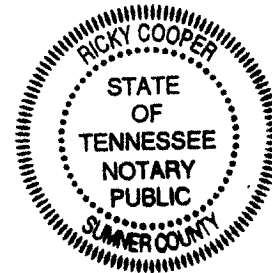
JUSTIN CASE PROCESS SERVICE  
533 CHURCH STREET SUITE 247  
NASHVILLE, TN 37219  
615-230-7342

Subscribed and sworn to before me by the affiant who is personally known to me.

Notary Public

Date

Commission Expires



**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To:

**DOWDY TRANSPORT, LLC  
SERVED BY REGISTERED AGENT ANTHONY SCOTT DOWDY  
110 CARRIAGE WAY  
HENDERSONVILLE, TENNESSEE 37075**

**FILED**  
**17 JAN 20 AM 9:55**

FELICIA PITRE  
DISTRICT CLERK  
DALLAS COUNTY, TEXAS  
DEPUTY

**MAIL ATTY**

**CITATION**

**DC-16-15155**

**ELHAN ADO MUSKIC**

**vs.**

**GREGORY SCOTT FULLER, et al**

**ISSUED THIS  
29th day of November, 2016**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

**By: LATONYA BEASLEY, Deputy**

**Attorney for Plaintiff  
GREGORY B FELL  
3021 EAST RENNER ROAD  
SUITE 140  
RICHARDSON TX 75082  
972-488-8177**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **ORIGINAL** petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **134th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **ELHAN ADO MUSKIC**

Filed in said Court **28th day of November, 2016** against

**GREGORY SCOTT FULLER AND DOWDY TRANSPORT, LLC**

For Suit, said suit being numbered **DC-16-15155**, the nature of which demand is as follows:  
Suit on **MOTOR VEHICLE ACCIDENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 29th day of November, 2016.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By *Latonya Beasley*, Deputy  
LATONYA BEASLEY



## OFFICER'S RETURN

Case No. : DC-16-15155

Court No.134th District Court

Style: ELHAN ADO MUSKIC

vs.

GREGORY SCOTT FULLER, et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. Executed at \_\_\_\_\_,  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ .M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, by delivering to the within named \_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
to certify which witness my hand and seal of office.

**\*\* SEE ATTACHED \*\***  
**\*\*\*AFFIDAVIT\*\*\***

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

Crystal McDowell

**CAUSE NUMBER DC-16-15155**

**ELHAN ADO MUSKIC,**  
**Plaintiff**

**v.**

**GREGORY SCOTT FULLER and**  
**DOWDY TRANSPORT, LLC,**  
**Defendants**

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**IN THE 134TH**  
  
**JUDICIAL DISTRICT COURT**  
  
**DALLAS COUNTY, TEXAS**

**PLAINTIFF'S FIRST AMENDED PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Elhan Ado Muskic ("Plaintiff") complaining of Gregory Scott Fuller ("Fuller") and Dowdy Transport, LLC ("Dowdy") (both collectively "Defendants") and for cause of action would show unto the Court the following:

**I. DISCOVERY CONTROL PLAN AND TRCP 47 STATEMENT**

This case concerns personal injuries suffered in a motor vehicle accident. Plaintiff states that discovery is intended to be conducted under Level 2. Plaintiff seeks monetary relief of over \$100,000 but not more than \$200,000.

**II. THE PARTIES**

Plaintiff is an individual.

Defendant, **Gregory Scott Fuller**, is an individual who may be served with process at his residence located at **5024 Conquer Drive, Murfreesboro, Tennessee 37128**.

Defendant, Dowdy Transport, LLC, is a Tennessee limited liability company which has been previously served with citation via its registered agent, Anthony Scott Dowdy, 110 Carriage Way, Hendersonville, Tennessee 37075.

Pursuant to §30.014 of the Texas Civil Practice and Remedies Code, Plaintiff provides the following information:

Elhan Muskic

342 Last three digits of Kentucky Driver's License

248 Last three digits of Social Security Number

Gregory Fuller

997 Last three digits of Tennessee Driver's License

### **III. JURISDICTION AND VENUE**

This court has jurisdiction and venue is proper in Dallas County, Texas because the accident made the basis of this lawsuit occurred in Dallas County, Texas, and Plaintiff's damages are within the jurisdictional limits of this Court.

Long-arm jurisdiction and service upon the Chairman of the Texas Transportation Commission is appropriate for Defendant Gregory Fuller pursuant to Chapter 17 of the Texas Civil Practice and Remedies Code because Defendant Fuller is not a resident of Texas and this lawsuit grows out of an accident in which Defendant Fuller was involved while operating a motor vehicle in the State of Texas. The accident occurred in the parking lot located at 2080 McDaniel Drive in Carrollton, Texas.

#### **IV. FACTUAL BACKGROUND**

On or about October 16, 2015, Plaintiff, a professional truck driver, had parked his 18-wheel tractor trailer in the parking lot located at 2080 McDaniel Drive in Carrollton, Texas. Plaintiff was under the front of his truck inspecting a leak when Defendant Fuller, operating an 18-wheel tractor trailer owned by Defendant Dowdy on a perpendicular course in the same parking lot, failed to keep proper lookout and ran over Plaintiff's right arm. Plaintiff suffered severe injuries and had to be rushed to Parkland Hospital by City of Carrollton EMS. As a direct and proximate result of Defendants' negligence, Plaintiff sustained the damages complained herein.

#### **V. CAUSE OF ACTION - NEGLIGENCE**

Plaintiff would show that at the time and on the occasion complained of Defendant Fuller was negligent and which negligence proximately caused him damages in some or all, but not necessarily limited to, the following particulars:

1. In failing to keep such proper lookout as a person of ordinary prudence would have kept under the same or similar circumstances;
2. In failing to make a timely application of his brakes under the conditions and circumstances then and there existing;
3. In failing to make a proper application of his brakes under the conditions and circumstances then and there existing; and
4. In failing to control the speed at which he operated his vehicle.

Each of these acts and omissions, singularly or in combination with others, constituted negligence which proximately caused the occurrence made the basis of Plaintiff's action and Plaintiff's damages.

## **VI. VICARIOUS LIABILITY**

At the time of the accident, Defendant Fuller was operating the vehicle within the course and scope of his employment with Defendant Dowdy, which is, therefore, vicariously liable for Defendant Fuller's acts and omissions pursuant to the doctrine of respondeat superior.

## **VII. DAMAGES**

Plaintiff would show that as a direct and proximate result of the negligence of Defendants, he has suffered the following damages, for which he should be compensated in a sum that is within the jurisdictional limits of this Court:

1. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and customary for such services in the county in which they were rendered;
2. Reasonable medical care and expenses that in reasonable medical probability will be needed and incurred by Plaintiff in the future;
3. Physical pain and suffering in the past;
4. Physical pain and suffering in the future;
5. Mental anguish in the past;
6. Mental anguish in the future;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Lost wages/income in the past;
10. Lost wages/income in the future;
11. Loss of earning capacity.



### VIII. PRAYER

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff respectfully prays that Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court, pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law, post-judgment interest at the legal rate, costs of court; and such other and further relief to which Plaintiff may be entitled at law or in equity.

Respectfully Submitted,

/s/ Gregory B. Fell

Gregory B. Fell

TBN: 00790670

gfell@felllawfirm.com

The Fell Law Firm

3021 E. Renner Rd., Suite 140

Richardson, Texas 75082

(972) 488-8177 – phone

(972) 664-0470 – fax

ATTORNEY FOR PLAINTIFF

**CAUSE NO. DC-16-15155**

<b>ELHAN ADO MUSKIC</b>	<b>§</b>	<b>IN THE 134<sup>TH</sup></b>
	<b>§</b>	
<b>V.</b>	<b>§</b>	<b>JUDICIAL DISTRICT COURT</b>
	<b>§</b>	
<b>GREGORY SCOTT FULLER AND</b>	<b>§</b>	
<b>DOWDY TRANSPORT, LLC</b>	<b>§</b>	<b>DALLAS COUNTY, TEXAS</b>

**ORIGINAL ANSWER OF DOWDY TRANSPORT, L.L.C.**

**NOW COMES** Dowdy Transport, LLC, named Defendant in the above-entitled and numbered cause, and file this Original Answer and show the Court:

**I.**  
**GENERAL DENIAL**

Defendant Dowdy Transport, LLC denies each and every allegation of Plaintiff's Original Petition and demands strict proof thereof as required by the Texas Rules of Civil Procedure.

**II.**  
**REQUEST FOR DISCLOSURE**

Under the Texas Rule of Civil Procedure 194, Defendant requests that the Plaintiff disclose, within 30 days of the service of this request, the information or material described in Rule 194.2.

**III.**  
**JURY DEMAND**

Defendant herein, respectfully demands a trial by jury of the above entitled and numbered cause.

**IV.**  
**NOTICE**

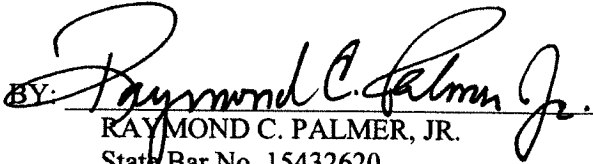
Pursuant to Texas Rules of Civil Procedure 193.7, Defendant gives notice that all documents produced by any party herein will be used at any pre-trial proceeding and at trial.

**PRAYER**

Defendant Dowdy Transport, LLC prays the Court, after notice and hearing or trial, enters judgment in favor of Defendant Dowdy Transport, LLC, award this Defendant its costs of court, and such other and further relief as Defendant may be entitled to in law or in equity.

Respectfully submitted,

NAMAN, HOWELL, SMITH & LEE, PLLC

BY:  RAYMOND C. PALMER, JR.

State Bar No. 15432620

[rpalmer@namanhowell.com](mailto:rpalmer@namanhowell.com)

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ATTORNEY FOR DEFENDANT  
DOWDY TRANSPORT, LLC

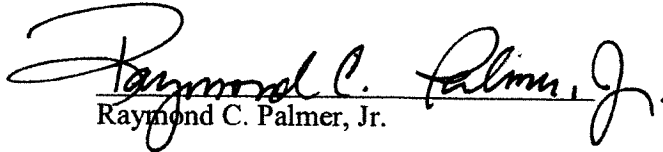
**CERTIFICATE OF SERVICE**

This certifies that on January 20, 2017, a true and correct copy of the foregoing was served as follows:

***Via E-Mail***

[gfell@felllawfirm.com](mailto:gfell@felllawfirm.com)

Gregory B. Fell  
The Fell Law Firm  
3021 E. Renner Road, Suite 140  
Richardson, TX 75082

  
Raymond C. Palmer, Jr.